

**AGENDA
BOARD OF SELECTMEN
February 24, 2009
7:00 p.m.
Town Building**

Public Input

Chairman's Comments

Town Administrator's Report

[See FY 2010 Joint Boards Meeting below]

Meeting Minutes

7:05 p.m. Appointment to the Open Space Committee

7:10 p.m. Renewal of Snow property borrowing – Treasurer Pam Landry

7:15 p.m. Town Administrator's Annual Joint Boards Meeting on the Financial State of the Town
Assessors, Capital Planning, Finance, NRSD and Minuteman school district representatives, and Selectmen

8:00 p.m. Elementary School Building project update – ESBC members

8:20 p.m. Affordable Housing projects update – Affordable Housing Trust, Housing Authority,
Affordable Housing Partnership, Community Preservation Committee, Stow Community Housing Corp.

Action/Discussion

- Assabet Water Co rate hike proposal

Selectmen's Master Planning

Liaison Reports, if any

Correspondence

Adjournment

Posted 2/20/09

Correspondence

Town:

Municipal Coalition for Affordable Housing 2/26 meeting notice, rec'd 2/18

Building Permits Report for January, rec'd 2/18

Planning Board notice of 3/10 public hearing on Subdivision Rules and Regs, rec'd 2/13

Planning Board notice of 3/17 public hearing on Zoning Bylaws. rec'd 2/20

Resident letter on Assabet Water Co proposed rate hike, rec'd 2/20



Town of Stow
BOARD OF SELECTMEN

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4534

NOTICE OF VACANCY

OPEN SPACE COMMITTEE

One member

Duties: To take steps necessary to prioritize and pursue the acquisition of land and interests in land to enhance the Town's network of protected open space.

Qualifications: Registered voter of Stow.

Term: Appointment by the Board of Selectmen for an indefinite term.

Application: The Board of Selectmen will accept letters of application until 5:00 pm on Wednesday, February 4, 2009.

Posted January 9, 2009

Brian J. Mulcahy
22 Partridge Lane
Stow, MA 01775
617-828-1757 (Cell)
508-389-2425 (Business)
978-298-5007 (Home)
brian.mulcahy@us.ngrid.com

January 26, 2009

Town of Stow
Stow Town Building
380 Great Road
Stow, MA 01775

Attn: Board of Selectmen
Vin Antil, Chair, Open Space Committee

To the Members of the Board:

Enclosed please find my resume for the available position on the Open Space Committee. My wife, Brenda, and I relocated from Long Island in 2003, and we lived in Boxborough for a short period before purchasing our home in Stow in late 2004. I am Senior Counsel at National Grid with primary focus on real estate and telecommunications matters, working out of the Company's Westborough and Waltham offices. I am also a volunteer for the American Red Cross and was deployed to Louisiana and Texas for Hurricanes Katrina (2005) and Ike (2008). Brenda is a full-time ski instructor at Wachusett Mountain, and is the past President of the Acton-Boxborough Newcomers and Neighbors, a 40+ year-old social club. We have two Labrador Retrievers and enjoy hiking throughout the various conservation lands in Stow and elsewhere with our neighbors and their dogs.

I would be very interested in participating in the Open Space Committee's efforts to implement the Town's Open Space and Recreation Plan, and would welcome meeting the members of the Committee and the Board. Please do not hesitate to contact me if you require any further information. Thank you for your consideration.

Sincerely,

Brian Mulcahy

Brian J. Mulcahy
22 Partridge Lane
Stow, MA 01775
617-828-1757 (Cell)
508-389-2425 (Business)
978-298-5007 (Home)
brian.mulcahy@us.ngrid.com

EMPLOYMENT

Senior Counsel **1991 - Present**
National Grid (Westborough, MA)

Representation of electric and gas utility in real estate, telecommunications, commercial transactions and regulatory matters. Manage/negotiate land and operating/corporate facility acquisitions, dispositions and leasing arrangements throughout New England and upstate/downstate NY. Counsel for the Company's downstate NY wireless leasing program. Represent Company in proceedings before legislative committees and administrative agencies. Manage New England legal intern program.

Associate Attorney **1990-1991**
Hayt, Hayt & Landau (Great Neck, NY)

Litigation associate. Motion practice, pleadings, legal memoranda, discovery and depositions primarily in New York State Supreme and Civil Court actions. Appellate briefs/legal memoranda in New York State Higher Education Services Corporation matters.

Associate Attorney **1990**
Philip Irwin Aaron, P.C. (Syosset, NY)

Chapter 7, 11 and 13 bankruptcy practice. Motion practice, pleadings, legal memoranda.

Academic Representative **1988-1989**
West Services, Inc. P.C., Westlaw Division (St. Paul, MN)

Managed WESTLAW (online legal research) academic program in the 21 NY, NJ and PA-area law schools. Developed learning centers and presented training programs for law school faculty, library directors and students. Supervision of 15 student representatives.

Head Librarian
Hayt, Hayt & Landau (Great Neck, NY)

1985-1988

Management of 15,000 volume law library, i.e., budgeting/acquisitions/collection development. WESTLAW, LEXIS/NEXIS, and DOW JONES online research. Legal memoranda.

Reference Librarian
Rogers & Wells (New York, NY)

1979-1985

Legal research and library administration for top-25 law firm. Tracking New York State and federal legislation. LEXIS/NEXIS online research.

PROFESSIONAL LICENSES/EDUCATION

Admitted to New York State, Massachusetts and New Hampshire Bars and United States District Court (Eastern, Southern, Northern and Western Districts of New York)

St. John's University School of Law (Class of 1987)

Jamaica, New York

President, Environmental and Energy Law Society (1986-87)

Queens College, City University of New York (Class of 1982)

Flushing, New York

Political Science; Liberal Arts Institute – Humanities Honors Program

President, Bench and Bar Association (1978-79)

1st Place, Moot Court Competition (1979)

ACTIVITIES

Red Cross Volunteer (deployed in 2005 and 2008 to Louisiana and Texas for Hurricanes Katrina and Ike)

American Diabetes Association Volunteer (Marshfield, MA Bike-a-thons in 2007 and 2008)

Food Delivery Volunteer for Island Harvest (1996-2002)

Pro-Bono Attorney for the Nassau County Coalition Against Domestic Violence (1992-1995)

Committee Person for the American Heart Association (1995)

Fundraiser for Project Warmth and the American Heart Association (1994)

Stow Selectmen's Office

From: Stow Selectmen's Office [selectmen@stow-ma.gov]

Sent: Friday, February 20, 2009 2:59 PM

To: Vin Antil

Subject: RE: Stow OS Committee

This looks great, Vin. I will include it in the Selectmen's meeting packet that I send them today, in prep for next Tues. It will also contain the vacancy posting and Brian's letter of interest and resume.

See you then, at 7:05.

Thanks.

Susan

Susan McLaughlin
Phoebe Haberkorn
Selectmen's Office
Town of Stow
978-897-4515

-----Original Message-----

From: Vin Antil [mailto:vantil@ttor.org]

Sent: Friday, February 20, 2009 1:14 PM

To: 'Stow Selectmen's Office'

Subject: FW: Stow OS Committee

Susan,

Below is our recommendation of Brian and our proposed charter.
Let me know if this is not what you expected.

Vin

The Stow Open Space Committee would like to introduce Brian Mulcahy to the Board of Selectmen and recommend his appointment as a new committee member. The Open Space Committee heartily recommends Brian based on his strong professional and volunteer experience, and his interest in and use of Stow's conservation lands.

The Stow Open Space Committee also presents to the Board of Selectmen, an updated charter, reflecting the completion of the Open Space and Recreation Plan.

The Stow Open Space Committee is charged with the following tasks:

Leading in the implementation of the Open Space and Recreation Plan.

Continuing to evaluate Chapter 61 and other parcels for their significance.

Advising the Board of Selectmen, and other public and private stakeholders on the protection of the town's open space priorities.

2/20/2009

Coordinating with other town boards on community planning initiatives, as recommended in the Open Space and Recreation Plan.

Vincent Antil
The Trustees of Reservations
GIS
464 Abbott Avenue
Leominster, MA 01453

978-840-4446 x.1933
978-537-5835 fax

<http://www.thetrustees.org>

Stow Selectmen's Office

From: Jack Mileski [MileskiJ@comcast.net]
Sent: Friday, February 20, 2009 10:32 AM
To: selectmen@stow-ma.gov; 'Ellen Sturgis'; townadministrator@stow-ma.gov
Cc: 'amy barnes'; 'Jamie Monat'; tbricknell@gmail.com; 'James Ogg'; christinemidwood@gmail.com; Rep.KateHogan@Hou.State.MA.US; James.Eldridge@state.ma.us
Subject: Harvard Acres Comments on Assabet Water Rates (for Discussion at the Feb 24th Board of Selectmen Meeting)

Susan,

Attached is a letter to the BoS to be discussed at 7PM on Feb. 24th during the public comments portion of the meeting.

I believe it would save some time if you could forward this on to the members of the BoS beforehand.

Regards,

Jack Mileski

Jack Mileski
MileskiJ@comcast.net
Tel: 978-897-2192

2/20/2009

February 20, 2009

To: Stow Board of Selectmen

From: Jack Mileski

Subject: Comments on the Assabet Water Co. Rate Proposal (DPU Docket # 08-130)

Dear Board of Selectmen,

I respectfully submit the following observations and opinions with respect to the proposed Assabet Water rate increase filed with the DPU on December 17, 2008.

1.) The rate increase by Assabet Water for Harvard Acres in Stow, MA (\$2500 - \$3000/yr.) is an unprecedented 2 times the greatest charge for water in the Commonwealth.

- We have examined a number of like private water companies, including in our own town with likes numbers of rate payers, and do not find anywhere near the rates that Assabet Water intends to charge us.
- Our rate analyst also believes that this water rate is also the highest in the nation.
- To put in even more perspective, I analyzed my heating oil bills and the proposed water rates would exceed my yearly heating oil bills!

2.) Neither rate payers nor our Harvard Acres interface to Assabet Water were ever informed that the proposed rates would be this high until the letter about the DPU rate hearings meeting was received on Feb 12th.

- No rate payers were asked to consult on the business decisions of Assabet Water (including Wendy Bachman, our Harvard Acres interface with Assabet – who has been at all of the rate hearings in the past).
- At least one person had suggested that someone from Harvard Acres participate on the business decisions early in the process (when the dispute arose on Dunster Drive). However, it was not acted upon.
- Virtually all of us would have rejected the Assabet decision process if we knew the rate would be this onerous!

3.) The rate increase, if approved, would affect the property values of Harvard Acres homes.

- For each increase of \$100 in monthly water fees, the property values in our community would drop from \$13,000 to \$17,000 on a \$400,000 (avg. in our community) – a 3% to 4% drop. [This analysis is based on both a \$400,000 home with a 15/yr mortgage at 5% to a 30/yr mortgage at 6%. (the potential of reduced property taxes and deductible interest charges are offset by the non-deductible \$100/mo water bill)]. The Assabet Water request for increase is more than that \$100/mo.

4.) The rate increase is also based on the overbuilt plant for supplying the 183 homes in Harvard Acres. Assabet Water should have been much more sensitive to the potential concerns of rate payers who should not be penalized by this management misjudgment.

- For a detailed analysis of the proper rate increase, I would refer you to Jamie Monat's letter to the DPU which you can find on <http://harvard-acres-water.googlegroups.com/web/Jamie+Monat%27s+Assabet+Water+Letter.pdf?hl=en&gda=zJxBM1oAAAB8Ojew4fQ1bCRNUOKWOQQklpiMuJiG1kXcEP-eWi39gVkO3vQJgSOz8ua7DNIKRMangCRTDdYhmbrzWHMfWberNNLCiCrFAT8CFjgPuBsOKv3t1oNBp6n3SjsA6llodbQ>

5.) The fire protection rates on hydrants are simply unnecessary. The Fire Department, the Town, or We never requested this.

- For more detailed information, see the various letters that the residents sent on this issue to the DPU at: <http://groups.google.com/group/harvard-acres-water/files?hl=en>

6.) While we may be considered a relatively desirable neighborhood, we do have people whose lives are affected by this unprecedented rate increase – namely, people on fixed incomes, those who have recently been laid off, or have other financial issues in these desperate economic times.

7.) Well Drilling and the Board of Health Position

- While I don't personally want to drill my own well, a 3 year payback versus the minimum of a \$2500/yr water bill from Assabet Water, combined with a potential of at least \$13,000 - \$17,000 in lost property values would make me consider doing so.
- One of our residents, Jamie Monat had a discussion with a BoH person. With his permission, I am quoting from an Email he sent to me:

"On January 23rd I called Steve Sontag of Sontag Pump in Bolton to get a quote on digging a well. Steve told me that I had better call the Stow Board of Health first because they had placed a moratorium on all well permits in Harvard Acres. I immediately called the BoH and spoke to Jack Wallace.

Jack said that the Stow BoH did not want any more private wells dug in Harvard Acres and that he and the board would do everything in their power to keep us from getting a permit. I asked how he intended to do this and he replied "we will throw every rule in the book at you." I told him that I had assumed that the BoH always required adherence to the rules when granting permits. Jack replied that they do, but that they sometimes relax the rules in granting variances and that the Board would not do this from this point forward. Also (he informed me) in the past, detailed

certified engineering drawings were not required to verify setback requirements; but from now on they would be. I asked Jack why the Board was taking this stance and he replied "Because we've been working closely with Bob Maynard--he's sunk a lot of money into Assabet Water and we want him to succeed." I then asked if the BoH would grant a permit if a homeowner met all the setback requirements and procured the detailed engineering drawings; Jack replied "Well, I don't know---the Board of Health would have to decide on each case." I asked Jack if he were aware that Assabet Water wants to charge us \$2500/year each for water and he replied that he was not aware of that. He also stated that there's no guarantee that private well water would be any better than Assabet Water water and that if we dug our own wells we'd have to worry about particulate matter, iron, etc, and that we'd be better off sticking with Assabet Water."

- To repeat a comment that Jamie wrote to the Stow Independent, **"Why are they taking the side of a private company against the residents"?**

8.) Assabet Water rates rewards wasteful uses of water

- Having spent \$70,000 to install water meters that can be read by a car in the street, Assabet charges a minimum of 65,000 gal./yr. Most of us use far less than that amount but are charged for the whole amount.
- In addition, Assabet rate schedule charges less per gallon of water beyond the minimum – hardly an incentive for conservation.

9.) The Lower Village

- We, the Harvard Acres residents, request that the Town get involved in this issue – not only on our behalf, but because this probably will have a great impact on the plan to have Assabet Water serve the Lower Village. If this rate gets approved, few Lower Village companies or residents will be able to afford it.
- Bill Wrigley agreed with Jamie Monat to personally participate in the process, but did not file papers to do so. Perhaps those of us who have filed can keep Bill in the loop?

For much more detail on this entire issue, I refer you to the Harvard Acres group web site on this water issue (<http://groups.google.com/group/harvard-acres-water?hl=en>) where you can review letters and documents related thereto.

Thank you for considering this letter and inviting us to the Feb. 24th meeting. I look forward to discussing this with you at that time.

Respectfully Submitted,



John R. Mileski
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Stow, MA 01775
Phone: 978-897-2192 Email: jm999@comcast.net